S.B.CIVIL SECOND APPEAL NO.206/2004

Madan Lal Aggarwal
vs.
Manohar Lal Demla.

DATE OF JUDGMENT ::: 6.12.2005

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. RR Nagori, for the appellant.

Mr. DR Bhandari, for the respondent.

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Heard learned counsel for the parties.

It will be worthwhile to mention an important fact which is that according to the plaintiff himself, he was doing the business of medicine in the year 1956 and continued with that business till the year 1971. In the year 1971, he surrendered his license because of his illness. The plaintiff filed the suit for possession of rented premises on the ground that he want to start the medicine business and grocery business in the suit shop in the year 1994. The two courts below concurrently found that the alleged need of the plaintiff is non-existent.

I do not find that the two courts below have committed any error of fact or law in view of the fact that the plaintiff after doing the business of medicine from 1956 to

1971, surrendered his license for medicine in the year 1971 and still he set up a case that after about 23 years, he wants to do the same business of medicine.

It is further worthwhile to mention here that the plaintiff admitted that he is doing business of paper nor of grocery nor of medicine. In view of the above, the plaintiff failed to prove his need on the basis of which he filed the suit for eviction of the tenant.

No substantial question of law is involved in this appeal. Accordingly, this appeal deserves to be dismissed and hence, dismissed.

(PRAKASH TATIA), J.

S.Phophaliya